

RECEIVED
CENTRAL FAX CENTER

09/933,119
DOCKET NO. 206-020-01

7

NOV 29 2006

REMARKS

Claims 3, 5, and 7-8 are all the claims presently pending in the application. Claims 3 and 7-8 are amended to more clearly define the invention. Claims 3 and 7-8 are independent.

These amendments are made only to more particularly point out the invention for the Examiner and not for narrowing the scope of the claims or for any reason related to a statutory requirement for patentability.

Applicants also note that, notwithstanding any claim amendments herein or later during prosecution, Applicants' intent is to encompass equivalents of all claim elements.

Entry of this §1.116 Amendment is proper. Since the Amendments above narrow the issues for appeal and since such features and their distinctions over the prior art of record were discussed earlier, such amendments do not raise a new issue requiring a further search and/or consideration by the Examiner. As such, entry of this Amendment is believed proper and Applicant earnestly solicits entry. No new matter has been added.

Claims 3, 5, and 7-8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by the Gardner et al. reference.

This rejection is respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

The claimed invention is directed to a system for ordering items, an application service provider (ASP) system for issuing and receiving orders, a computer program product for issuing and receiving orders, and a system for processing orders.

An exemplary aspect of the present invention, as recited in claim 3, provides a system for ordering items including a server for controlling data communication with a plurality of terminals via a network, a database accessible by the server including a merchandise master which stores information on all items offered from a plurality of dealers to a plurality of customers according to item numbers unique to each item, and a merchandise assortment related master which stores a list of traded items and the item numbers among the items stored in the merchandise master agreed upon between the customer and the dealer as merchandise assortment related information according to each purchasing unit of the customer and each dealer who offers the item to the customer, and a terminal for submitting to the server an ordering request for ordering at least one item from a user who belongs to a purchasing unit. The server includes an item specific order controller for specifying, for each

09/933,119

8

DOCKET NO. 206-020-01

item in the ordering request, a dealer who offers the item, based on the merchandise assortment related information of the purchasing unit to which the user belongs. The merchandise assortment related master stores merchandise assortment related information groups for each of the dealers in a state in which item numbers of items purchased by the customer are not duplicated by a plurality of dealers. The item specific order controller includes a function for determining a purchasing unit of a user who accessed from the terminal and specifying the merchandise assortment related information group for the purchasing unit, based on the determined purchasing unit, a function for displaying an electronic catalog comprising a list of all items stored in the specified merchandise related information group on the terminal, a function for, upon the user selecting an item, specifying the unique merchandise related information of the selected item number, among the merchandise related information group, and a function for specifying a dealer of the item number based on the specified merchandise assortment related information.

Further, the merchandise assortment related master relates and stores merchandise unit identification that indicates merchandise assortment proposed by a dealer whose management unit is indicated by a dealer management identification to a purchasing unit of a customer and selected by the customer as indicated by a customer management unit identification. The customer management identification, the dealer management identification, and a deliverer management identification indicate a deliverer for providing or delivering item number, price, goods or services, and supplier management identification indicates a supplier who provides goods or services for a user.

The server further includes a deliverer specific controller for retrieving and specifying a deliverer who delivers goods or services in the merchandise assortment related master based upon a purchasing unit identification of the user that indicates the purchasing unit as a key, and a supplier providing the goods or services for the customer when receiving an ordering request from the terminal used by the user who belongs to the purchasing unit.

Independent claims 7 and 8 contain similar language and are directed to an application service provider (ASP) system and a computer program product having a record medium for issuing and receiving orders by using a server of an ordering system, respectively.

Conventional techniques for ordering items via the Internet involve a purchaser searching the Internet for web sites constructed by providers and consummating a desired

09/933,119
DOCKET NO. 206-020-01

9

transaction for a good or service through the web site of the provider. Business to business platforms have also been realized that support transactions based on pricing conditions previously agreed upon between the purchaser and provider. (See Application at page 1, lines 31-32 and page 2, lines 1-22)

The claimed invention, on the other hand, provides a system including, amongst other features, a database containing merchandise assortment related information associating a purchasing unit with at least one dealer for at least one of a plurality of items contained in a merchandise master and a controller for specifying a dealer for each item in an ordering request based on merchandise assortment related information retrieved from the database corresponding to the purchasing unit of the user. These features, amongst others, allow the claimed invention to efficiently (e.g. automatically) specify a dealer for each item ordered by a user of a purchasing unit of a customer based on predetermined merchandise assortment related information for the purchasing unit.

In this manner, a user belonging to a purchasing unit of a customer may order various items based on previously determined purchase standards by merely specifying the desired items to the system and without the need for the user to possess specific knowledge of the dealers or pricing agreements. (See Application at page 5, lines 20-24).

Additionally, with the present invention, it is possible to order at once many kinds of items over a plurality of deliverers without being conscious of the correspondence between item and deliverer.

It is also possible to easily grasp a distribution route of an item corresponding to an item number by only specifying a commerce channel from a supplier to a deliverer via a dealer on each item. In this manner, distribution management is made easier.

Moreover, an amount of sales can be automatically totaled at the dealer side based upon the price stored by the corresponding item number.

II. THE PRIOR ART REJECTION

The Examiner alleges that the claims 3, 5, and 7-8 are anticipated by the Gardner et al. reference. However, Applicants respectfully submit that the Gardner et al. reference does not teach or suggest each and every element of the claimed invention.

The Gardner et al. reference discloses a method of electronic requisition processing including storing company-specific requisition rules and an electronic catalog on a central

09/933,119
DOCKET NO. 206-020-01

10

computer system located at a first site. (Abstract).

The Gardner et al. reference does not teach or suggest the features of the claimed invention including: 1) a merchandise assortment related master that relates and stores a deliverer management identification that indicates a deliverer for providing or delivering; and 2) a server that includes a deliverer specific controller for retrieving and specifying a deliverer who delivers goods or services in the merchandise assortment related master based upon a purchasing unit identification of the user that indicates the purchasing unit as a key. As explained above, these features are important for ordering many kinds of items over a plurality of deliverers without knowledge regarding correspondence relating the items to the deliverers and for easily understanding a distribution route for items.

In stark contrast, the Gardner et al. reference discloses storing company-specific requisition rules that determine an authorization matrix and a catalog of items that may be pre-negotiated with vendors and, which may, therefore, be pre-approved. (col. 3, lines 32-44, and col. 5, lines 23-44). The Gardner et al. reference does not teach or suggest anything at all regarding a deliverer, let alone a deliverer management identification that indicates a deliverer for providing or delivering, or a server that includes a deliverer specific controller for retrieving and specifying a deliverer who delivers goods or services in the merchandise assortment related master based upon a purchasing unit identification of the user that indicates the purchasing unit as a key.

Therefore, Applicants submit that there are elements of the claimed invention that are not taught or suggested by Gardner. Therefore, the Examiner is respectfully requested to withdraw this rejection.

III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully submit that claims 3, 5, and 7-8, all the claims presently pending in the Application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.


09/933,119
DOCKET NO. 206-020-01

11

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,


Date: 11/29/06


James E. Howard
Registration No. 39,715

McGinn Intellectual Property Law Group, PLLC
8321 Old Courthouse Rd., Suite 200
Vienna, Virginia 22182
(703) 761-4100
Customer No. 21254

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that I am filing this Amendment After-Final Rejection Under 37 CFR §1.116 by facsimile with the United States Patent and Trademark Office to Examiner Gerald J. O'Connor, Group Art Unit 3627 at fax number (571) 273-8300 this 29th day of November, 2006.


James E. Howard
Reg. No. 39,715